

7909 REPLACEMENT
ORDER

MORGAN, LEWIS & BOCKIUS LLP
KENT M. ROGER, State Bar No. 95987
HERMAN J. HOYING, State Bar No. 257495
S. JESSICA OURK, State Bar No. 275658
One Market, Spear Street Tower
San Francisco, CA 94105-1126
Tel: 415.442.1000
Fax: 415.442.1001
kroger@morganlewis.com
hhoying@morganlewis.com
jourk@morganlewis.com

Attorneys for Defendants
HITACHI, LTD., HITACHI ELECTRONIC DEVICES
(USA), INC., HITACHI DISPLAYS, LTD. (n/k/a
JAPAN DISPLAY INC.)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

In re: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

Master File No. 3:07-md-1827 (N.D. Cal.)
MDL No. 1827

This Document Relates To Individual Case
Nos. 3:11-cv-03856-SI (N.D. Cal.)

Case Nos. 3:11-cv-03856-SI (N.D. Cal.)

SCHULTZE AGENCY SERVICES, LLC
on behalf of TWEETER OPCO, LLC and
TWEETER NEWCO, LLC,
Plaintiff,

vs.

AU OPTRONICS CORPORATION, *et al.*,
Defendants.

**STIPULATION AND ~~[PROPOSED]~~
ORDER EXTENDING DEADLINE FOR
DEPOSITIONS**

Honorable Susan Illston

1 Plaintiff Schultze Agency Services, LLC on behalf of Tweeter Opco, LLC and Tweeter
2 Newco, LLC (collectively, “Schultze”) and Defendants (collectively “Stipulating Defendants”),
3 hereby stipulate as follows:

4 WHEREAS, fact discovery in the Track 2 Direct Action Plaintiff cases is set to close on
5 May 17, 2013, pursuant to the Stipulation and Order Setting Revised Track 2 Deadlines (Dkt. No.
6 7665, the “Scheduling Order”);

7 WHEREAS, Stipulating Defendants served a notice of subpoena on Progressive Retailers
8 Organization Group (“PRO Group”) for a deposition scheduled for May 3, 2013;

9 WHEREAS, PRO Group is unable to provide a representative for deposition before the
10 current deadline for the close of fact discovery and has requested that the deposition be re-
11 scheduled for a date after the current deadline for the close of fact discovery;

12 WHEREAS, PRO Group has agreed to produce documents to Stipulating Defendants in
13 response to their discovery requests in hopes of satisfying Stipulating Defendants’ need for
14 information from PRO Group and thus eliminating the need for a PRO Group deposition;

15 WHEREAS, Stipulating Defendants wish to preserve the right to take the deposition of
16 PRO Group after the current deadline for the close of fact discovery in the event that PRO Group
17 is unable to provide sufficient information through its production of documents to Stipulating
18 Defendants to eliminate the need for a deposition of PRO Group;

19 WHEREAS, Stipulating Defendants and Schultze are meeting and conferring regarding
20 the transactional data produced by Schultze in an attempt to avoid the need for further
21 depositions;

22 WHEREAS, Stipulating Defendants wish to preserve the right to take the deposition of a
23 former employee of Tweeter Home Entertainment Group, Inc. (“Tweeter”) familiar with
24 Tweeter’s purchase and sales databases and accounting practices in the event that the parties are
25 unable to fully resolve Stipulating Defendants’ questions regarding the transactional data
26 produced by Schultze through the meet and confer process;

27 WHEREAS, additional time is needed to schedule and take the deposition of PRO Group
28 and potentially one deposition of a former Tweeter employee familiar with Tweeter’s purchase

1 and sales databases and accounting practices;

2 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the
3 undersigned counsel as follows:

4 The deadline for Stipulating Defendants to take the depositions of PRO Group and a
5 former Tweeter employee familiar with Tweeter's purchase and sales databases and accounting
6 practices is extended to July 1, 2013. This extension will not serve as the basis for Schultze to
7 seek an extension of the deadline of June 6, 2013 to submit its expert report(s).

8
9 Respectfully submitted,

10 Dated: May 13, 2013

MORGAN, LEWIS & BOCKIUS LLP

11 By: /s/ Kent M. Roger

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13 Kent M. Roger (State Bar Number 95987)
14 Morgan, Lewis & Bockius LLP
15 One Market, Spear Street Tower
16 San Francisco, CA 94105
17 Tel: (415) 442-1000
18 Fax: (415) 442-1001

19 *Attorneys for Defendants Hitachi, Ltd., Hitachi Electronic*
20 *Devices (USA), Inc., and Hitachi Displays, Ltd. (n/k/a*
21 *Japan Display Inc.)*

22 *Also on behalf of AU Optronics Corporation, AU Optronics*
23 *Corporation America, Chi Mei Optoelectronics Corporation*
24 *(n/k/a Chimei Innolux Corporation), Chi Mei*
25 *Optoelectronics USA, Inc., CMO Japan Co., Ltd.,*
26 *Chunghwa Picture Tubes, Ltd., Epson Electronics America,*
27 *Inc., Epson Imaging Devices Corporation, HannStar*
28 *Display Corporation, LG Display Co., Ltd., LG Display*
America, Inc., Mitsui & Co. (Taiwan), Ltd., Mitsui & Co.
(U.S.A.), Inc., NEC Corporation, NEC Corporation of
America, NEC LCD Technologies, Ltd., NEC Display
Solutions of America, Inc., NEC Electronics America, Inc.,
Sanyo Consumer Electronics Co., Ltd., Sharp Corporation,
Sharp Electronics Corporation, Toshiba America
Electronic Components, Inc., Toshiba Corporation, Toshiba
Mobile Display Co., Ltd. and Toshiba America Information
Systems, Inc.

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BOIES, SCHILLER & FLEXNER LLP

By: /s/ Christopher V. Fenlon

Philip J. Iovieno (admitted *pro hac vice*)
Christopher V. Fenlon (admitted *pro hac vice*)
10 North Pearl Street, 4th Floor
Albany, NY 12207
Tel: (518) 434-0600
Fax: (518) 434-0665

1 William A. Isaacson (admitted *pro hac vice*)
2 5301 Wisconsin Ave. NW, Suite 800
3 Washington, D.C. 20015
4 Tel: (202) 237-2727
5 Fax: (202) 237-6131

6 *Attorneys for Plaintiff Schultze Agency Services, LLC on*
7 *behalf of Tweeter Opco, LLC and Tweeter Newco, LLC*


8 **FILER'S ATTESTATION**

9 I, Kent M. Roger, am the ECF user whose identification and password are being used to file
10 this Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that concurrence in the
11 filing of this document has been obtained from the signatories above.

12 **[PROPOSED] ORDER**

13 Pursuant to the parties' stipulation set forth above, IT IS SO ORDERED.

14 Dated: May 13, 2013

15 By 
16 HON. SUSAN ILLSTON
17 UNITED STATES DISTRICT JUDGE
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